[10191/4383]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Examiner: Vladimir Imas
Achim PUETTNER et al.	
For: DIRECT PLUG-IN CONNECTION INCLUDING A CABLE END SLEEVE	Art Unit: 2839
Filed: August 11, 2006	
Serial No.: 10/589,058	

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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on **March 3, 2010**.

Signature: /Kevin Kambo/
Kevin Kambo

APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

SIR:

On September 11, 2009, Appellants submitted a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated March 16, 2009 in the above-identified patent application.

In accordance with 37 C.F.R. § 41.37, this brief is submitted in support of the appeal of the rejections of claims 10, 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 29. For at least the reasons set forth below, the final rejections of claims 10, 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 29 should be reversed.

1. REAL PARTY IN INTEREST

The real party in interest in the present appeal is ROBERT BOSCH GMBH of Stuttgart in the Federal Republic of Germany, which is the assignee of the entire right, title and interest in and to the present application.

2. RELATED APPEALS AND INTERFERENCES

There are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to

Appellants or the assignee, ROBERT BOSCH GMBH, "which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal."

3. STATUS OF CLAIMS

Claims 1 to 9, 12, 16, 20, and 24 have been canceled.

Claims 10, 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 29 are pending.

Claims 10, 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 29 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,971,806 ("Evans et al.").

A copy of the appealed claims, *i.e.*, claims 10, 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 29, is attached hereto in the Claims Appendix.

4. STATUS OF AMENDMENTS

In response to the Final Office Action dated March 16, 2009, Appellants submitted a "Reply Under 37 C.F.R. § 1.116" on August 14, 2009. The Reply Under 37 C.F.R. § 1.116 did not include any proposed amendments to the claims. It is noted, however, that the Advisory Action dated August 26, 2009 indicates that "[f]or purposes of appeal, the proposed amendment(s) . . . will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended," despite the fact that no proposed amendments to the claims were included in the Reply Under 37 C.F.R. § 1.116. It is Appellants' understanding that the claims as included in the annexed "Claims Appendix" reflect the current claims.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The claims on appeal include two independent claims, *i.e.*, claims 10 and 29.

Independent claim 10 relates to a removable electrical plug-in connection. *Specification* at page 1, lines 2 to 6. Claim 10 recites that the removable electrical plug-in connection includes a connector 12. *Specification* at page 1, lines 2 to 6 and page 3, lines 30 to 32. Claim 10 recites that the removable electrical plug-in connection includes a mating connector 1, the mating connector 1 including a first contact element 3 having at least one contact area 7 which is connectable at least in part to the connector 12. *Specification* at page 1, lines 2 to 6, page 3, lines 27 to 30, and page 4, lines 6 to 12. Claim 10 recites that the connector 12 includes at least one clamping element 4 which grips at least in part around a second contact element 6 in its contact position, and this clamping element 4 presses at least a

part of the second contact element 6 against the contact area 7 for establishing the electrical plug-in connection. *Specification* at page 4, lines 12 to 17. Claim 10 recites that the clamping element 4 is configured to fix the at least a part of the second contact element 6 to the contact area 7. *Specification* at page 4, lines 12 to 17.

Independent claim 29 relates to a removable electrical plug-in connection. *Specification* at page 1, lines 2 to 6. Claim 29 recites that the removable electrical plug-in connection includes a connector 12 including a first contact element 6 and a clamping element 4, the clamping element 4 having an open position and a closed position. *Specification* at page 3, lines 30 to 32 and page 4, lines 22 to 30. Claim 29 recites that the removable electrical plug-in connection includes a mating connector 1 including a second contact element 3. *Specification* at page 3, lines 27 to 30. Claim 29 recites that the first contact element 6 is movable with respect to the second contact element 3 in a contact area 7 when the clamping element 4 is in the open position. *Specification* at page 2, lines 15 to 25 and page 4, lines 22 to 30. Claim 29 recites that the clamping element 4, when in the closed position, fixes the first contact element 6 with respect to the second contact element 3 in the contact area 7 by pressing the first contact element 6 and the second contact element 3 together. *Specification* at page 4, lines 12 to 17.

6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 10, 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 29 are anticipated under 35 U.S.C. § 102(b) by Evans et al.

7. ARGUMENTS

Claims 10, 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 29 stand rejected under 35 U.S.C. § 102(b) as anticipated by Evans et al. It is respectfully submitted that the present rejection should be reversed for at least the following reasons.

Claim 10 relates to a removable electrical plug-in connection and recites a connector and a mating connector, the mating connector including a first contact element having at least one contact area which is connectable at least in part to the connector, wherein the connector includes at least one clamping element which grips at least in part around a second contact element in its contact position, and this clamping element presses at least a part of a second contact element against the contact area for establishing the electrical plug-in connection. Claim 10 further recites that ***the clamping element is configured to fix the at least a part of the second contact element to the contact area***.

Claim 29 relates to a removable electrical plug-in connection and recites a connector including a first contact element and a clamping element, the clamping element having an open position and a closed position; and a mating connector including a second contact element, wherein the first contact element is movable with respect to the second contact element in a contact area when the clamping element is in the open position, and the clamping element, when in the closed position, ***fixes the first contact element with respect to the second contact element in the contact area by pressing the first contact element and the second contact element together***.

Regarding claim 10, the Final Office Action alleges at page 2 that Evans et al. discloses a clamping element 20, 30 configured to fix at least a part of a second contact element 23, 33 to a contact area 51 of a first contact element 50. Similarly, regarding claim 29, the Final Office Action alleges at pages 3 to 4 that Evans et al. discloses a clamping element 20, 30 that, when in the closed position, fixes a first contact element 50 with respect to a second contact element 23 in the contact area by pressing the first contact element 50 and the second contact element 23 together. However, the Final Office Action does not identify any disclosure in Evans et al. to support these plainly ***conclusory*** assertions. Indeed, as set forth below, Evans et al. does not disclose, or even suggest, these features.

Referring to Figure 1 of Evans et al., flexible springs 20 and 30 bias contact areas 25 and 35 of the flexible circuits 23 and 33 toward pads 51 of a PCB. In this regard, Evans et al. makes no disclosure or suggestion whatsoever that any portion of flexible circuits 23 and 33 is ***fixed*** with respect to any portion of the PCB by the flexible spring bias. Indeed, Evans et al. states that "[s]ufficient ***floating movement*** of the springs and the flexible circuits is desired to allow the desired alignment between the contact areas 25, 35 and the pads 50 of the PCB." Col. 4, lines 64 to 67. Thus, it is plainly apparent that Evans et al. does not disclose, or even suggest, a clamping element that is configured to fix at least a part of a second contact element to a contact area, as recited in claim 10 or a clamping element that, when in the closed position, fixes a first contact element with respect to a second contact element in the contact area by pressing the first contact element and the second contact element together, as recited in claim 29.

Further, the arguments presented in the "Response to Arguments" section of the Final Office Action reflects an apparent misapprehension of the requirements for properly establishing a *prima facie* case of anticipation. In particular, the Examiner asserts that:

> The Applicant argues again that "although Applicants have pointed out specific differences between the present claims and

> the device of Evans et al., the present rejection does not appear to address these arguments, aside from repeating conclusory assertions of what is disclosed and an assertion of similarity." The Examiner respectfully disagrees. In the "Claims Rejections – 35 U.S.C. § 102", Examiner, using the same language as in claims rejects literally all essential subject matter declared as invention. The Applicant does not present essential distinction (details) that make claimed elements to be invention (not only visual difference according to drawings but structural and functional according to claims).

Final Office Action at page 4. In this regard, the Examiner's distinction of "essential subject matter" is misplaced, as ***35 U.S.C. § 102 does not distinguish between details considered by the Examiner to be "essential" to the claims and those considered by the Examiner to be non-essential*** – rather, ***each and every*** detail of the claim must be disclosed. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) ("The ***identical*** invention must be shown in as complete detail as is contained in the . . . claim.") (emphasis added).

It is, of course, "well settled that the burden of establishing a *prima facie* case of anticipation resides with the [United States] Patent and Trademark Office." *Ex parte Skinner*, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, as indicated above, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Moreover, the prior art must describe the elements arranged as required by the claims. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, Evans et al. does not disclose all of the features recited in either of claims 10 and 29. As such, it is plainly apparent that Evans et al. does not anticipate either of claims 10 and 29.

Claims 11, 13 to 15, 17 to 19, 21 to 23, and 25 to 28 ultimately depend from claim 10 and therefore include all of the features recited in claim 10. Accordingly, it is respectfully submitted that Evans et al. does not anticipate these dependent claims for at least the reasons set forth above in support of the patentability of claim 10.

In view of all of the foregoing, reversal of the present rejection is respectfully requested.

8. CLAIMS APPENDIX

A "Claims Appendix" is attached hereto and appears on the three (3) pages numbered "Claims Appendix 1" to "Claims Appendix 3."

9. EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellants in the appeal. An "Evidence Appendix" is nevertheless attached hereto and appears on the one (1) page numbered "Evidence Appendix."

10. RELATED PROCEEDINGS APPENDIX

As indicated above in Section 2, above, "[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants or the assignee, ROBERT BOSCH GMBH, 'which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.'" As such, there no "decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]" to be submitted. A "Related Proceedings Appendix" is nevertheless attached hereto and appears on the one (1) page numbered "Related Proceedings Appendix."

11. CONCLUSION

For at least the reasons indicated above, Appellants respectfully submit that the art of record does not disclose or suggest the subject matter as recited in the claims of the above-identified application. Accordingly, it is respectfully submitted that the subject matter as set forth in the claims of the present application is patentable.

In view of all of the foregoing, reversal of all of the rejections set forth in the Final Office Action is therefore respectfully requested.

Respectfully submitted,

/Clifford A. Ulrich/

Dated: March 3, 2010

By Clifford A. Ulrich (Reg. No. 42,194) for:
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200
CUSTOMER NO. 26646

CLAIMS APPENDIX

10. A removable electrical plug-in connection comprising:

a connector; and

a mating connector, the mating connector including a first contact element (3) having at least one contact area which is connectable at least in part to the connector, wherein

the connector (12) includes at least one clamping element (4) which grips at least in part around a second contact element (6) in its contact position, and this clamping element (4) presses at least a part of the second contact element (6) against the contact area (7) for establishing the electrical plug-in connection, the clamping element configured to fix the at least a part of the second contact element to the contact area.

11. The plug-in connection according to Claim 10, wherein the clamping element (4) is positioned displaceably within the connector (12) and latches in its contact position.

13. The plug-in connection according to Claim 10, wherein the clamping element (4) has latching means with which the second contact element (6) latches together.

14. The plug-in connection according to Claim 10, wherein the clamping element (4) is designed in such a way that the second contact element (6) is fixed in its longitudinal extension on at least one side of the first contact element (3) at least in part in the contact area (7).

15. The plug-in connection according to Claim 11, wherein the clamping element (4) is designed in such a way that the second contact element (6) is fixed in its longitudinal extension on at least one side of the first contact element (3) at least in part in the contact area (7).

17. The plug-in connection according to Claim 13, wherein the clamping element (4) is designed in such a way that the second contact element (6) is fixed in its longitudinal extension on at least one side of the first contact element (3) at least in part in the contact area (7).

18. The plug-in connection according to Claim 10, wherein the second contact element (6) is pressed against the contact area (7) of the first contact element (3) when the

connector (12), made up of the second contact element (6), a contact carrier (11) and the clamping element (4), is closed.

19. The plug-in connection according to Claim 11, wherein the second contact element (6) is pressed against the contact area (7) of the first contact element (3) when the connector (12), made up of the second contact element (6), a contact carrier (11) and the clamping element (4), is closed.

21. The plug-in connection according to Claim 14, wherein the second contact element (6) is pressed against the contact area (7) of the first contact element (3) when the connector (12), made up of the second contact element (6), a contact carrier (11) and the clamping element (4), is closed.

22. The plug-in connection according to Claim 10, wherein the second contact element (6) has a sleeve (8) at least in the contact area (7) for compensating different diameters of second contact elements (6).

23. The plug-in connection according to Claim 11, wherein the second contact element (6) has a sleeve (8) at least in the contact area (7) for compensating different diameters of second contact elements (6).

25. The plug-in connection according to Claim 14, wherein the second contact element (6) has a sleeve (8) at least in the contact area (7) for compensating different diameters of second contact elements (6).

26. The plug-in connection according to Claim 18, wherein the second contact element (6) has a sleeve (8) at least in the contact area (7) for compensating different diameters of second contact elements (6).

27. The plug-in connection according to Claim 22, wherein the sleeve (8) has at least one contact point on its outer surface (9) which is at a distance from the diameter of the sleeve (8) which comes into contact with the contact area (7) of the first contact element (3).

28. The plug-in connection as recited in Claim 22, wherein the sleeve (8) can be plugged directly onto the end of a cable.

29. A removable electrical plug-in connection comprising:

a connector including a first contact element and a clamping element, the clamping element having an open position and a closed position; and

a mating connector including a second contact element, wherein

the first contact element is movable with respect to the second contact element in a contact area when the clamping element is in the open position, and

the clamping element, when in the closed position, fixes the first contact element with respect to the second contact element in the contact area by pressing the first contact element and the second contact element together.

EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellants in the appeal.

RELATED PROCEEDINGS APPENDIX

As indicated above in Section 2 of this Appeal Brief, "[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants or the assignee, ROBERT BOSCH GMBH, 'which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.'" As such, there no "decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]" to be submitted.